



**UNITED STATES DEPARTMENT OF COMMERCE
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Washington, D.C. 20231

VB

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/147,405 04/01/98 GUSS

B REF/GUSS/P33

BACON & THOMAS
625 SLATERS LANE 4TH FLOOR
ALEXANDRIA VA 22314-1176

HM12/1206

EXAMINER

LEE, L

ART UNIT

PAPER NUMBER

1645

9

DATE MAILED:

12/06/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Art Unit: 1645

DETAILED ACTION

Nucleotide and /or Amino acid Sequence Disclosures

1. This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 CFR 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 CFR 1.821 through 1.825 for the reason(s) set forth on the attached Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures. See the attached Raw Sequence Listing Error Report. Applicants are reminded that all the sequences disclosed in the application need to be comply with the requirements. It is noted that the sequences in the claims and figures in this application fail to comply with the requirements of 37 CFR 1.821 through 1.825.

APPLICANT IS GIVEN A ONE MONTH EXTENDABLE PERIOD WITHIN WHICH TO COMPLY WITH THE SEQUENCE RULES, 37 CFR 1.821 - 1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 CFR 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136. In no case may an applicant extend the period for response beyond the six month statutory period. Applicant is requested to return a copy of the attached Notice to Comply with the response.

Art Unit: 1645

Election/Restrictions

2. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in response to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 1 and 25, drawn to a protein or polypeptide.

Group II, claim(s) 2-11 and 26, drawn to recombinant DNA molecule, expression system, and method for producing the protein.

Group III, claim(s) 12-14, drawn to the use of a protein from staphylococci to block the adherence of staphylococci to surfaces with immobilized fibrinogen.

Group IV, claim(s) 15, drawn to the use of a protein from staphylococci to isolate fibrinogen.

Group V, claim(s) 16, drawn to the use of a gene to detect the presence of *S. epidermidis*.

Group VI, claim(s) 17, drawn to antibodies.

Group VII, claim(s) 18, drawn to the use of antibodies for diagnostic purpose.

Group VIII, claim(s) 19 and 29, drawn to the use of antibodies for therapeutic purposes.

Group IX, claim(s) 20-22, drawn to the use of antibodies to block the adherence of Staphylococci.

Art Unit: 1645

Group X, claim(s) 23-24 and 27, drawn to the use a protein from Staphylococci as an immunogen.

Group XI, claim(s) 28, drawn to a method of active immunization administering the DNA sequence.

3. The inventions listed as Groups I-XI do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons:

The inventions listed as Groups I-XI do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons:

The technical feature linking groups I-XI appears to be that they relate to a polypeptide designated as a protein or a polypeptide having fibrinogen binding activity from a coagulase-negative staphylococci strain.

However, Heimburger et al (US 4,245,039, Jan 13, 1991) teach a protein (clumping factor) having fibrinogen binding activity from a coagulase-negative staphylococci strain, staphylococcus aureus Newman D2C (column 2, lines 18-26).

Therefore, the technical feature linking the inventions of groups I-XI does not constitute a special technical feature as defined by PCT Rule 13.2, as it does not define a contribution over the prior art.

Art Unit: 1645

The special technical feature of Group I is considered to be a a protein or polypeptide or a vaccine composition characterized as the protein having fibrinogen binding activity from a coagulase-negative staphylococci strain.

The special technical feature of Group II is considered to be a recombinant DNA molecule, expression system, and method for producing the protein.

The special technical feature of Group III is considered to be the use of a protein from staphylococci to block the adherence of staphylococci to surfaces with immobilized fibrinogen.

The special technical feature of Group IV is considered to be the use of a protein from staphylococci to isolate fibrinogen.

The special technical feature of Group V is considered to be the use of a gene to detect the presence of *S. epidermidis*.

The special technical feature of Group VI is considered to be antibodies raised against the protein.

The special technical feature of Group VII is considered to be the use of antibodies for diagnostic purpose.

The special technical feature of Group VIII is considered to be the use of antibodies for therapeutic purposes.

The special technical feature of Group IX is considered to be the use of antibodies to block the adherence of Staphylococci.

Art Unit: 1645

The special technical feature of Group X is considered to be the use a protein from Staphylococci as an immunogen.

The special technical feature of Group XI is considered to be a method of active immunization administering the DNA sequence.


4. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(I).

Any inquiry of a general nature or relating to the status of this general application should be directed to the Group receptionist whose telephone number is (703) 308-0196.

Papers relating to this application may be submitted to Technology Center 1600, Group 1645 by facsimile transmission. The faxing of such papers must conform with the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). Should applicant wish to FAX a response, the current FAX number for Group 1600 is (703) 308-4242.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Li Lee, M.D., Ph.D. whose telephone number is (703) 308-8891. The examiner can normally be reached on Monday-Friday from 8:30 AM to 5:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Caputa, can be reached at (703) 308-3995.

Li Lee, M.D., Ph.D.
November 24, 1999


ANTHONY C. CAPUTA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1600

Application/Control Number: 09/147,405

Page 7

Art Unit: 1645

Raw Sequence Listing Error Summary

ERROR DETECTED SUGGESTED CORRECTION

SERIAL NUMBER: 09/147,405

ATTN: NEW RULES CASES: PLEASE DISREGARD ENGLISH "ALPHA" HEADERS, WHICH WERE INSERTED BY PTO SOFTWARE

- 1 _____ Wrapped Nucleics The number/text at the end of each line "wrapped" down to the next line.
This may occur if your file was retrieved in a word processor after creating it.
Please adjust your right margin to .3, as this will prevent "wrapping".
- 2 _____ Wrapped Aminos The amino acid number/text at the end of each line "wrapped " down to the next line.
This may occur if your file was retrieved in a word processor after creating it.
Please adjust your right margin to .3, as this will prevent "wrapping".
- 3 _____ Incorrect Line Length The rules require that a line not exceed 72 characters in length. This includes spaces.
- 4 _____ Misaligned Amino Acid Numbering The numbering under each 5th amino acid is misaligned. This may be caused by the use of tabs between the numbering. It is recommended to delete any tabs and use spacing between the numbers.
- 5 _____ Non-ASCII This file was not saved in ASCII (DOS) text, as required by the Sequence Rules.
Please ensure your subsequent submission is saved in ASCII text so that it can be processed.
- 6 _____ Variable Length Sequence(s) _____ contain n's or Xaa's which represented more than one residue.
As per the rules, each n or Xaa can only represent a single residue.
Please present the maximum number of each residue having variable length and indicate in the (ix) feature section that some may be missing.
- 7 _____ PatentIn ver. 2.0 "bug" A "bug" in PatentIn version 2.0 has caused the <220>-<223> section to be missing from amino acid sequence(s) _____. Normally, PatentIn would automatically generate this section from the previously coded nucleic acid sequence. Please manually copy the relevant <220>-<223> section to the subsequent amino acid sequence.
- 8 _____ Skipped Sequences (OLD RULES) Sequence(s) _____ missing. If intentional, please use the following format for each skipped sequence:
(2) INFORMATION FOR SEQ ID NO:X:
(i) SEQUENCE CHARACTERISTICS:(Do not insert any headings under "SEQUENCE CHARACTERISTICS")
(xi) SEQUENCE DESCRIPTION:SEQ ID NO:X:
This sequence is intentionally skipped

Please also adjust the "(iii) NUMBER OF SEQUENCES:" response to include the skipped sequence(s).
- 9 _____ Skipped Sequences (NEW RULES) Sequence(s) _____ missing. If intentional, please use the following format for each skipped sequence.
<210> sequence id number
<400> sequence id number
000
- 10 ✓ Use of n's or Xaa's (NEW RULES) Use of n's and/or Xaa's have been detected in the Sequence Listing.
Use of <220> to <223> is MANDATORY if n's or Xaa's are present.
In <220> to <223> section, please explain location of n or Xaa, and which residue n or Xaa represents.
- 11 _____ Use of <213>Organism (NEW RULES) Sequence(s) _____ are missing this mandatory field or its response.
- 12 _____ Use of <220>Feature (NEW RULES) Sequence(s) _____ are missing the <220>Feature and associated headings.
Use of <220> to <223> is MANDATORY if <213>ORGANISM is "Artificial" or "Unknown"
Please explain source of genetic material in <220> to <223> section.
(See "Federal Register," 6/01/98, Vol. 63, No. 104, pp. 29631-32) (Sec. 1.823 of new Rules)
- 13 _____ PatentIn ver. 2.0 "bug" Please do not use "Copy to Disk" function of PatentIn version 2.0. This causes a corrupted file, resulting in missing mandatory numeric identifiers and responses (as indicated on raw sequence listing).
Instead, please use "File Manager" or any other means to copy file to floppy disk.
AKS-Biotechnology Systems Branch- 5/15/99

PAGE: 1

RAW SEQUENCE LISTING
PATENT APPLICATION US/09/147,405DATE: 11/15/1999
TIME: 10:51:16

Input Set: I147405.RAW

This Raw Listing contains the General Information
Section and up to first 5 pages.

Does Not Comply
Corrected Diskette Needed

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2 Nilsson, Martin
3 Frykberg, Lars
4 Flock, Jan-Ingmar
5 Lindberg, Martin
6 <120> TITLE OF INVENTION: Fibrinogen Binding Protein Originating from
7 Coagulase-Negative Staphylococcus
8 <130> FILE REFERENCE: guss 09/147405
9 <140> CURRENT APPLICATION NUMBER: US/09/147,405
10 <141> CURRENT FILING DATE: 1998-04-01
11 <150> EARLIER APPLICATION NUMBER: PCT/SE97/10191
12 <151> EARLIER FILING DATE: 1997-06-18
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0000 see item 10 on Error Summary Sheet

PAGE: 2

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PATENT APPLICATION US/09/147,405

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TIME: 10:51:16

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RAW SEQUENCE LISTING PATENT APPLICATION US/09/147,405

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TIME: 10:51:16

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PAGE: 5

RAW SEQUENCE LISTING
PATENT APPLICATION US/09/147,405

DATE: 11/15/1999
TIME: 10:51:16

Input Set: I147405.RAW

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PAGE: 6

VERIFICATION SUMMARY
PATENT APPLICATION US/09/147,405

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TIME: 10:51:16

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Line ? Error/Warning

Original Text

38 W "N" or "Xaa" used: Feature required

gantcngant cnganagn

Application No.: 09/147,405

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING
NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☐ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to these regulations, published at 1114 OG 29, May 15, 1990 and at 55 FR 18230, May 1, 1990.
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☒ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☐ 7. Other: _____

Applicant Must Provide:

- ☒ An ~~initial~~ or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☒ An ~~initial~~ or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

For CRF Submission Help, call (703) 308-4212

For PatentIn software help, call (703) 308-6856

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